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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,262	11/18/2003	Joseph L. Dvorak	7463-33	6508
30448	7590	03/17/2005	EXAMINER	
AKERMAN SENTERFITT P.O. BOX 3188 WEST PALM BEACH, FL 33402-3188			DAO, MINH D	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,262

Applicant(s)

DVORAK, JOSEPH L.

Examiner

MINH D DAO

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Oros (US 4,157,540).

Regarding claim 1, Oros teaches a wearable communication device, comprising: a belt having an integrated radio; and a buckling mechanism having mating portions on opposing ends of the belt, wherein the integrated radio is enabled upon the buckling of the mating portions (see figs. 1, 8, and 9; col. 3, lines 14-26).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2,3, 8-13, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oros (US 4,157,540) in view of Olsen (US 4,847,818).

Regarding claim 2, Oros, as mentioned above, teaches the limitations of claim 1 but fails to disclose that the integrated radio is selected from the group of devices comprising a public safety radio, an iDEN transceiver, a dispatch radio, a trunked two-way radio, a Bluetooth transceiver, a GPS receiver, a satellite phone, a cellular phone, and a cordless phone. Olsen, in an analogous art, teaches wristwatch radiotelephone. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Oros so that would include a transceiver in order to be able to perform two-way communication to allow a help-needed person to notify and talk with the helping authority.

Regarding claim 3, reference Oros and Olsen once combined teaches the wearable communication device of claim 1, wherein the device further comprises an embedded antenna coupled to the integrated radio (see reference Olsen, col. 1, lines 10-20).

Regarding claim 9, reference Oros and Olsen once combined teaches the wearable communication device of claim 1, wherein the belt can be worn around a waist, wrist, or ankle or slung across the chest (see reference Oros, col. 3, lines 14-26).

Regarding claim 8, reference Oros and Olsen once combined teaches the wearable communication device of claim 5, wherein the device further comprises a plurality of removable modules comprising at least one among radio components and a battery (see fig1, power supply 18; fig. 8, timer means 16 and alerting means 15).

Regarding claim 10, reference Oros and Olsen once combined teaches wearable communication device of claim 1, wherein the integrated radio remains in at least one of an off mode and a battery saving mode when the buckling mechanism is unbuckled (see reference Oros, col. 3, lines 14-26).

Regarding claim 11, the claim has the limitations as that of claims 1 and 2, and therefore is interpreted and rejected for the same reason set forth in the rejections of claims 1 and 2.

Regarding claim 12, the claim has the limitations as that of claim 2, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 2.

Regarding claim 13, the claim has the limitations as that of claim 3, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 3.

Regarding claim 18, the claim has the limitations as that of claim 8, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 8.

Regarding claim 19, the claim has the limitations as that of claim 9, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 9.

Regarding claim 20, the claim has the limitations as that of claim 10, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 10.

4. Claims 4, 7, 14, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oros (US 4,157,540) in view of Leonard (US 2002/0176586).

Regarding claim 4, Oros, as mentioned above, teaches the limitations of claim 1 but fails to disclose a remote speaker/microphone input jack. Leonard, in an analogous art, teaches this limitation (see section [0023]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Oros so that it would include a speaker/microphone jack in order to allow one to free-hand communicate with the other end of the communication.

Regarding claim 7, reference Oros and Leonard once combined teaches the wearable communication device of claim 5, wherein the user interface control comprises at least one among a volume control, a push-to-talk button, a speaker, and a microphone (see reference Leonard, section [0023]).

Regarding claim 14, the claim has the limitations as that of claim 4, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 4.

Regarding claim 17, the claim has the limitations as that of claim 7, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 7.

5. Claims 5,6,15,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oros (US 4,157,540) in view of Bush (US 2002/0187757).

Regarding claims 5, and 6, Oros, as mentioned above, teaches the limitations of claim 1 but fails to disclose the buckling mechanism further comprises at least one among a user interface control and a memory card slot. Bush, in an analogous art, teaches this limitation (see fig. 1 and section [0021]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Oros so that it would include a memory card slot as suggested by Bush for the benefit of being able to replace or upgrade the memory when needed.

Regarding claims 15, and 16, the claims have the limitations as that of claim 5, and 6 respectively, and therefore are interpreted and rejected for the same reason set forth in the rejections of claims 5, and 6.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D DAO whose telephone number is 703-305-5589. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN C CHIN can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Minh Dao *MD*
Art Unit 2682
February 9, 2005


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600
2/18/05